

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

CARYN D.M.¹,

Plaintiff,

v.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

Civil No. 4:21cv40

FINAL ORDER

Plaintiff Caryn D.M. (“Plaintiff”) brought this action under 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Social Security Commissioner (“Commissioner”) denying her claim for disability insurance benefits and supplemental security income under the Social Security Act. Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia, and by order of reference dated July 20, 2021 (ECF No. 9), this matter was referred to United States Magistrate Judge Lawrence R. Leonard for a Report and Recommendation (“R&R”). Judge Leonard issued his R&R on June 8, 2022 (ECF No. 19), recommending that the Court grant the Commissioner’s Motion for Summary

¹ The Committee on Court Administration and Case Management of the Judicial Conference of the United States recommends that, due to substantial privacy concerns, federal courts use only the first name and last initial of claimants in Social Security cases.

Judgment and affirm the Commissioner's final decision. Plaintiff filed timely objections (ECF No. 20), and the Commissioner responded (ECF No. 21).

A district judge must make a *de novo* determination as to any portion of the R&R to which timely objection has been made. 28 U.S.C. § 636(b)(1)(B)–(C); Fed. R. Civ. P. 72(b). Here, Plaintiff objects that Judge Leonard improperly relied on the ALJ's findings at Step 2 to support the ALJ's analysis at Steps 4 and 5 and that Judge Leonard erred in finding that the ALJ properly considered and analyzed the supportability and consistency of Dr. Squires' opinion. The Commissioner responds that the R&R properly applies the deferential substantial evidence standard; that the R&R properly reads the ALJ's decision as a whole in considering aspects of the Step 2 discussion as part of the substantial evidence supporting the ALJ's explanation at Steps 4 and 5; and that substantial evidence supports the ALJ's consideration of Dr. Squires' opinion.

Having reviewed the record and examined the objections filed by Plaintiff to the Report and Recommendation, and having made *de novo* findings with respect to the portions objected to, the Court finds no error with Judge Leonard's proposed disposition. Accordingly, the Court hereby **ADOPTS AND APPROVES** in full the findings and recommendations set forth in the Report and Recommendation: Plaintiff's Motion for Summary Judgment (ECF No. 13) is **DENIED**, the Commissioner's Motion for Summary Judgment (ECF No. 16) is **GRANTED**, the decision of the Commissioner is **AFFIRMED**, and this matter is **DISMISSED WITH PREJUDICE**.

The parties are **ADVISED** that an appeal from this Final Order may be

commenced by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. This written notice must be received by the Clerk within sixty days from the date of this Final Order.

The Clerk is **REQUESTED** to mail a copy of this Order to all parties.

IT IS SO ORDERED.

/s/

Arenda L. Wright Allen
United States District Judge

September 28, 2022
Norfolk, Virginia